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RE PETITION - Serial No. 10/507,369

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Facsimile: 571-273-8300

Number of pages including this page: 13

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SPECIAL PROCESSING SUBMISSION

PATENT

ATTORNEY DOCKET No. 161.002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. National Phase of International Application)
of Philippe MAUBANT, et al)
U.S. Serial No. 10/507,369)
Filed under 35 U.S.C. 371: 21 September 2004)
International Filing Date: 26 March 2003)
International Application No.: PCT/FR03/00955)
For: STRAIN-MEASURING DEVICE)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION TO THE DIRECTOR UNDER 37 CFR 1.181,
REQUESTING THAT THE DIRECTOR INSTRUCT THE OFFICE TO PROCESS
REFUND REQUEST FILED SEPTEMBER 9, 2005

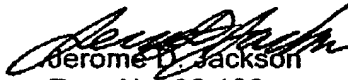
The Office incorrectly charged extra claim fees on August 25, 2005. The undersigned applicant's representative then called the Office, leaving a message, to attempt to resolve this by telephone. After not receiving a response to the message, the undersigned filed a Refund Request on September 9, 2005, a copy of which is enclosed with the instant Petition. Although the Office acknowledges reception of the Refund Request, it has not acted on it, despite several subsequent phone calls from the undersigned.

This conduct on the part of the Office places an undue burden on an applicant's representative who must use the PTO deposit account while not having his practice disrupted by erroneous charges.

U.S. National Phase of PCT Application
PCT/FR03/00955 (10/507,369)
Page 2

Thus, applicant's representative respectfully requests that the Director instruct the Office to follow the regulations and process the Refund Request without further delay.

Respectfully submitted,


Jerome D. Jackson
Reg. No. 33,186

DATED: 15 April 2006

Enclosure: copy of
Refund Request filed September 9, 2006

Jerome D. Jackson
211 N. Union Street, Suite 100
Alexandria, Virginia 22314

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Facsimile 703-995-0318

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APR 15 2006

JACKSON PATENT LAW OFFICE

211 NORTH UNION STREET, SUITE 100
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September 9, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450ATTENTION: Ms. Latrice Sims
Refund Section, Office of Finance (Via Facsimile to 571-273-6500)

Re: REQUEST FOR REFUND OF FEES
INCORRECTLY CHARGED TO DEPOSIT ACCOUNT
U.S. Serial No. 10/507,369
Filed under 35 U.S.C. 371: 21 September 2004
International Filing Date: 26 March 2003
International Application No.: PCT/FR03/00955
For STRAIN-MEASURING DEVICE

Applicants respectfully requests a refund into the undersigned attorney's Deposit Account No. 10-0077, because the PTO incorrectly charged extra claim fees.

In July 2005, Applicants filed a Response to Notice of Defective Response, including the following statement on page 1:

Applicants enclose a Preliminary Amendment, cancelling the claims for which fees are allegedly due.

The Preliminary Amendment, page 2, states, "Please cancel claims 6-24."

Thus, there should be less than 20 claims in this Application, and no multiple dependent claims.

The statement of Deposit Account on August 25, 2005, however, shows:

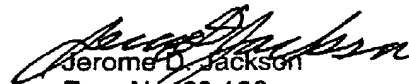
DATE	POSTING REF TXT	FEE CODE	AMT
08/25	10507369	2615	\$625.00
08/25	10507369	2616	\$180.00

Thus, Applicants respectfully request a refund of the **\$805.00** (\$625.00+\$180.00). Please apply the refund into the undersigned attorney's **Deposit Account No. 10-0077.**

Refund Section, Office of Finance
September 9, 2005
Page 2

A copy of the Response to Notice of Defective Response dated July 10, 2005, including the Preliminary Amendment canceling the extra claims, is enclosed. If the Office has any questions, Applicants' representative, Jerome Jackson, can be reached at 703-684-4840.

Respectfully submitted,


Jerome D. Jackson
Reg. No. 33,186

Jackson Patent Law Office
211 N. Union Street, Suite 100
Alexandria, Virginia 22314

DATED: 9 Sept 05

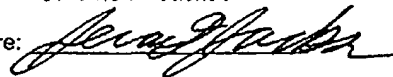
Telephone 703-684-4840
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Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on 10 JULY 05 (Date)

Jerome D. Jackson

Signature:



PATENT

ATTORNEY DOCKET No. 161.002

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. National Phase of International Application)
of Philippe MAUBANT, et al)
U.S. Serial No. 10/507,369)
Filed under 35 U.S.C. 371: 21 September 2004)
International Filing Date: 26 March 2003)
International Application No.: PCT/FR03/00955)
For: STRAIN-MEASURING DEVICE)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Sir:

*** RESPONSE TO NOTICE OF DEFECTIVE RESPONSE**

This is a response to the Notice of Defective Response mailed June 13, 2005.

Applicants enclose a Preliminary Amendment, cancelling the claims for which fees are allegedly due.

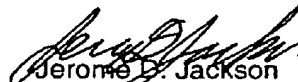
Applicants also enclose a copy of the Notice of Defective Response.

If there are any fees required for consideration of this Response that are not enclosed, including a fee for extension of time, please charge such fees to the undersigned attorney's Deposit Account No. 10-0077.

Respectfully submitted,

Jackson Patent Law Office
211 N. Union Street, Suite 100
Alexandria, Virginia 22314

Telephone 703-684-4840
Facsimile 703-995-0318

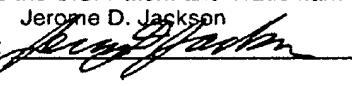

Jerome D. Jackson
Reg. No. 33,186DATED: 10 JULY 05

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I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on 10 JULY 05 (Date)

Jerome D. Jackson

Signature: 

PATENT

ATTORNEY DOCKET No. 161.002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re U.S. National Phase of International Application)
of Philippe MAUBANT, et al)
U.S. Serial No. 10/507,369)
Filed under 35 U.S.C. 371: 21 September 2004)
International Filing Date: 26 March 2003)
International Application No.: PCT/FR03/00955)
For: STRAIN-MEASURING DEVICE)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PRELIMINARY AMENDMENT

In response to the Notification of Defective Response mailed June 13, 2005,
please amend the Application as follows:

IN THE CLAIMS:

Please cancel claims 6-24 without prejudice or disclaimer. After the entry of the instant amendment, the pending claims 1-5 and 25-33 will be:

1. (original) A strain-measuring device (10-16) including at least a deformable element (20-24) placed between at least two mounting contacts (30, 40) defining a fixation surface for being fixed on a structure (1) to be measured, prestressing means (80) of the aforementioned deformable element (20-24), measuring means (60) of the stress undergone by the aforementioned deformable element (20-24) and treatment means (70) of measurement signals, characterized in that the prestressing means (80) are extended between at least the two mounting contacts (30, 40) and are arranged for drawing together these two mounting contacts (30, 40) in translation and imposing a curvature of precise prestress to the aforementioned deformable element (20-24), these prestressing means (80) being also arranged for allowing a relative displacement in translation of these two mounting contacts (30, 40) when the aforementioned deformable element (20-24) is prestressed.
2. (original) The device according to claim 1, characterized in that the prestressing means (80) are freely mounted at least in translation in one of the mounting contacts (30) and are tied at least in translation to the other mounting contact (40).
3. (original) The device according to claim 2, characterized in that the prestressing means (80) includes at least a prestressing rod (81), of which at least the part (83) tied in translation to the aforementioned mounting contact (40) is threaded and cooperates with at least a nut (84) for displacing the aforementioned mounting contact (40) and at least a compensation member (85) arranged for exerting a return force between the aforementioned prestressing rod (81) and one of the mounting contacts (30).
4. (original) The device according to claim 1, characterized in that the prestressing means (80) are tied at least in translation to the two mounting contacts (30, 40).

5. (original) The device according to claim 4, characterized in that the prestressing means (80) includes at least a prestressing rod, of which at least the parts tied in translation to the aforementioned mounting contacts (30, 40) are threaded in an opposite direction, at least two nuts arranged for receiving the aforementioned threaded parts from the prestressing rod and at least a compensation member arranged for exerting a return force between the aforementioned mounting contacts (30, 40).

Claims 6-24. (cancelled).

25. (original) The device according to claim 1, characterized in that the aforementioned deformable element (20-23) is mounted by at least one of its ends in one of the mounting contacts (30, 40) by at least a technique chosen from the group comprising at least fitting, interlocking, screwing, riveting, gluing, and welding.

26. (original) The device according to claim 25, characterized in that the aforementioned mounting contact (30, 40) comprises a mounting zone (31, 41) for receiving an end of the deformable element (20-23), this mounting zone being inclined with respect to the fixation surface of the aforementioned mounting contact (30, 40) in a manner to give to the aforementioned deformable element (20-23) an initial curvature in a direction of its prestress curvature.

27. (original) The device according to claim 1, characterized in that the aforementioned mounting contacts (30, 40) are for fixing on the aforementioned structure (1) to be measured by at least a technique chosen from the group comprising at least screwing, riveting, gluing, and welding.

28. (original) The device according to claim 1, characterized in that the measuring means (60) of the stress undergone by the aforementioned deformable element (20-24)

are chosen from the group comprising at least resistive stress gauges (61,62), piezo-electric sensors, contactless proximity sensors, and vibration sensors.

29. (original) The device according to claim 28, characterized in that the aforementioned stress gauges (61,62) are four in number and mounted as a Wheatstone bridge.

30. (original) The device according to claim 1, characterized in that it comprises a protective housing (90) at least partially covering the aforementioned mounting contacts (30, 40) and the aforementioned deformable element(s) (20-24).

31. (original) The device according to claim 27, characterized in that the aforementioned protective housing is waterproofed.

32. (original) The device according to claim 27, characterized in that the treatment means (70) of the signals comprises at least an electronic conditioning circuit, this circuit being integrated with or coupled to the aforementioned housing (90), or displaced and linked to the aforementioned housing by means of communication.

33. (original) The device according to claim 1, characterized in that the aforementioned treatment means (70) of signals are arranged for measuring the internal temperature of the aforementioned device and correcting the values of the aforementioned signals as a function of this temperature.


REMARKS

This amendment is essentially a copy of the amendment filed September 21, 2004, in the initial National Phase Submission, except that an English language copy of the remaining claims is now available.

If there are any other fees required for entry of this amendment, or for any other reason, please charge such fees to the undersigned Attorney's Deposit Account No. 10-0077.

If the Examiner has any questions about this amendment, applicants' representative would appreciate discussing this amendment with the Examiner. Applicant's representative, Jerome Jackson, can be reached at 703-684-4840.

Respectfully submitted,


Jerome D. Jackson
Reg. No. 33,186

Jackson Patent Law Office
211 N. Union Street, Suite 100
Alexandria, Virginia 22314

Telephone 703-684-4840
Facsimile 703-995-0318

DATED: 10 JULY 05

Page 1 of 2



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/507,369	Philippe Maubant	161.002

INTERNATIONAL APPLICATION NO.

PCT/FR03/00955

I.A. FILING DATE	PRIORITY DATE
03/26/2003	03/27/2002

Jackson Patent Law Office
 Suite 100
 211 N Union Street
 Alexandria, VA 22314

CONFIRMATION NO. 2088
 371 FORMALITIES LETTER
 OC000000016243206
 OC000000018243206

Date Mailed: 06/13/2005

NOTIFICATION OF DEFECTIVE RESPONSE

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- Indication of Small Entity Status
- Priority Document
- Copy of the International Application filed on 09/21/2004
- English Translation of the IA filed on 05/11/2005
- Copy of the International Search Report filed on 09/21/2004
- Copy of IPE Report filed on 09/21/2004
- Preliminary Amendments filed on 09/21/2004
- Oath or Declaration filed on 09/21/2004
- Request for Immediate Examination filed on 09/21/2004
- U.S. Basic National Fees filed on 09/21/2004
- Assignment filed on 05/11/2005
- Priority Documents filed on 09/21/2004

Applicant's response filed 05/11/2005 is hereby acknowledged. The following requirements set forth in the NOTIFICATION of MISSING REQUIREMENTS mailed 04/20/2005 have not been completed.

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$805 as a small entity. Including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$805 for a Small Entity:

Page 2 of 2

Applicant is required to complete the response within a time limit of ONE MONTH from the date of this Notification or within the time remaining in the response set forth in the Notification of Missing Requirements, whichever is the longer. No extension of this time limit may be granted under 37 CFR 1.136, but the period for response set in the Notification of Missing Requirements may be extended under 37 CFR 1.136(a).

• Total additional claim fee(s) for this application is \$ 805

- \$625 for 25 total claims over 20.
- \$180 for multiple dependent claim surcharge.

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

CHARITTA A BURT

Telephone: (703) 308-9140 EXT 207

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY DOCKET NO.
10/507,369	PCT/FR03/00955	161.002